

Pete's Accomplishments in the 110th Congress

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Accomplishments Archive: 110th , 109th, 108th, 107th, 106th, 105th, 104th

This document provides an overview of Rep. Stark's major initiatives, positions, and accomplishments in the 110th Congress (January 2007 -- January 2009).

HEALTH

As Chairman of the Ways and Means Subcommittee on Health, Rep. Stark is one of the nation's foremost experts on Medicare and health policy. He is an outspoken proponent for universal health care; minimizing waste, fraud and abuse in our health care system; and protecting and improving Medicare.

After 12 years in the minority in Congress, the 110th Congress provided the first opportunity to repair damage that has been done to government health programs under the decade-plus of Republican control. With President Bush still in office, the steps had to be limited. But, this Congress marked some real victories in health care.

As Chairman of the Ways and Means Health Subcommittee, Rep. Stark held 30 hearings on a wide range of health topics. The hearing list and testimony can be viewed [here](#).

EFFORTS TO IMPROVE SCHIP & MEDICARE IN 2007

The State Children's Health Insurance Program was due for reauthorization in 2007. It was necessary to reauthorize the program or states would have lost all funding for their federal-state programs which provide health coverage for children with family incomes above Medicaid eligibility, but below 250% of poverty.

The Children's Health and Medicare Protection Act (CHAMP)

Rep. Stark coauthored HR 3162, the Children's Health and Medicare Protection Act (CHAMP). It was an expansive bill to reauthorize and expand the SCHIP program to provide health coverage to millions of children and improve and strengthen Medicare for America's seniors and people with disabilities. A summary of the bill can be viewed at: <http://www.stark.house.gov/images/stories/pdf/CHAMPMARKUPSUMMARY724.pdf>

The bill reauthorized the Children's Health Insurance Program (CHIP) for 6 million children and would have provided 5 million more low-income children with health coverage — covering a total of 11 million children.

The bill's Medicare provisions began the overdue process of replacing Medicare's broken formula for physician payment. Rather than being hit with a 10% paycut that was pending in current law to go into effect on January 1, 2008, the bill provided positive payment updates to physicians for two years and established parameters for

permanently fixing Medicare's physician reimbursement.

The CHAMP Act improved Medicare's coverage of preventive services including eliminating copayments and deductibles for these vital services.

It created mental health parity in Medicare.

It improved low-income protections that have been stagnant for years and not kept pace with the growing cost of health care.

It also made major reforms to the Medicare Advantage program by phasing out overpayments to private plans in Medicare, improving beneficiary protections, and adding quality measurements.

The House of Representatives passed the CHAMP Act on August 1, 2007 by a vote of 225-201.

Unfortunately, the Senate was unable to bring the bill to the floor.

Instead, the Senate passed a stand-alone bill to extend and expand the SCHIP program.

That legislation came back to the House, we passed it and sent it to the President for his support. Though both the House and Senate passed the SCHIP legislation with strong bipartisan support, President Bush vetoed the bill.

The House and Senate then worked together to develop a new version of the bill that addressed many of the House Republican concerns, but was again vetoed by President Bush. Again, the House fell short of the votes needed to override the veto.

At that point, at the end of 2007, emergency legislation had to be passed to continue the SCHIP program. Unlike the CHAMP Act, this was no major reform. It was a small bill that protected the status quo, but left major decisions about the future of SCHIP and Medicare to be determined the next year. In December 2007, The House and Senate passed, and President Bush signed into law, "the Medicare, Medicaid, and SCHIP Extension Act of 2007" (MMSEA).

The "Medicare, Medicaid, and SCHIP Extension Act of 2007" (MMSEA)

S. 2499, the "Medicare, Medicaid, and SCHIP Extension Act of 2007," provided SCHIP funding through March 2009 and suspended a scheduled 10% reduction in payments to doctors who serve Medicare patients, instead guaranteeing a .5% update in their payments through June 30th, 2008.

The bill also included a number of Medicare provisions. It extended Medicare Special Needs Plans and cost-based plans; payments for other services and providers including certain rural providers; physical and occupational therapy services and speech language pathology services; brachy therapy services, and therapeutic radiopharmaceuticals. The Act also provided regulatory relief for inpatient rehabilitation facilities and long term care hospitals, while establishing a three-year

moratorium on new long term care hospitals and advancing implementation of Medicare Payment Advisory Commission recommendations for these hospitals. MMSEA also made grants to State Health Insurance Assistance Programs, Area Agencies on Aging, Aging and Disability Resource Centers; extended funding for certain diabetes grants under the Public Health Service Act; and included a number of Medicaid provisions.

MEDICARE ACTION IN 2008

As the Medicare, Medicaid and SCHIP Extension Act of 2007 was only a 6-month bill with regard to Medicare payment policies, Congress had to come back to again address Medicare policies in 2008. The Senate had drafted a small package of Medicare provisions, but was unable to garner the votes to bring the bill to the floor for consideration. While Rep. Stark would have written a different Medicare bill, we knew the Senate would be unable to pass much more than they were attempting to bring forth. In order to jumpstart the process, Stark took the bill Sen. Baucus had written and worked with House Leaders to bring it before the House first. It passed the House with a strong bipartisan majority of 355-159. It then passed the Senate by unanimous consent. Despite the overwhelming support in Congress for the legislation, President Bush vetoed it. Both the House and Senate overrode the President's objections and it became law over his veto on July 15, 2008.

Medicare Improvements for Patients and Providers Act (MIPPA)

H.R. 6331, the "Medicare Improvements for Patients and Providers Act (MIPPA)" postponed a physician pay cut by freezing physician fees at the June 2008 level through December 31, 2008 and then provides for a 1.1% pay increase through December 31, 2009. Again, this is only a temporary solution to the Medicare physician payment problem. Congress will need to return in 2009 to create a more permanent solution.

MIPPA also improves preventive coverage in Medicare; phases out discriminatory cost-sharing for outpatient mental health services; improves the low-income subsidy programs; reforms Medicare's coverage of renal dialysis services; and extends specific payment rules for particular providers.

Importantly, MIPPA begins to take steps to reduce overpayments to private health plans in Medicare. It eliminates the so-called Medicare Advantage "slush fund"; enforces rules to limit the growth of Private Fee For Service plans (a particular type of Medicare Advantage plan that is most overpaid and least beneficial to enrollees); and enacts marketing restrictions to protect beneficiaries from misrepresentation.

The law also provides incentives for providers who adopt and use electronic prescribing technology. Finally, MIPPA terminates all contracts under the first round of the Durable Medical Equipment, prosthetics, orthotics, and other medical supplies (DMEPOS) competitive acquisition program, set to start July 1, 2008. It requires the Secretary to re-bid the first round in 2009 and delays the second round of bidding until 2011.

ADDITIONAL MEDICARE LEGISLATIVE INITIATIVES

The initiatives below were introduced by Rep. Stark in the 110th Congress. Some didn't become law, while some were incorporated into other bills and did become law. They highlight important areas where he'd like to see changes in Medicare.

HEALTH IT

HR 6898, the Health-e Information Technology Act of 2008

As one of the leading Congressional advocates for an efficient, quality health care system, Congressman Stark understands that information technology is fundamental to reforming and improving patient care. HR 6898 would create a nationwide interoperable Health IT system by a date certain and puts government funding behind that requirement. Such a system would enable every hospital and doctor to input patients' information and pull up their medical records—all on-line and readily available. It would also make data available to researchers so that we could improve the practice of medicine. The bill requires the government to create clear standards for an interoperable Health IT system by a date certain, as well as the creation of an open source HIT system that will be made available at little or no cost to all providers. Using Medicare's payment system and additional grant programs, it would also provide financial assistance to physicians and hospitals to adopt these systems. After a number of years, providers who failed to adopt standardized IT systems would incur financial penalties from Medicare. The legislation also includes strong, workable protections for the privacy of personal health information.

MEDICARE ADVANTAGE REFORM

H.R. 2945: The Medicare Advantage Truth in Advertising Act

In response to testimony presented by numerous consumer and patient groups before the Ways and Means Health Subcommittee—and a report by the Government Accountability Office highlighting abuses -- Congressman Stark introduced the "Medicare Advantage Truth in Advertising Act." This bill would require Medicare Advantage plans (MA) to cover all of Medicare's benefits with no greater cost-sharing than is charged in the traditional fee-for-service Medicare program.

Under current law, MA plans can vary cost-sharing as long as the overall value of the benefits offered are actuarially equivalent to Medicare's benefit. While promoting themselves as cheaper than traditional Medicare, MA plans often charge more for particular services that are vitally important including: hospitalizations, home health care, chemotherapy and durable medical equipment.

This legislation would preserve the ability of MA plans to use flat copayments and per diem rates in lieu of deductibles and co-insurance charged in traditional Medicare, but it would prohibit their costs from exceeding the overall fee-for-service cost. In other words, it holds private plans to their propaganda that they're an "advantage."

This bill was included as a provision in the CHAMP Act which passed the House in 2007, but it was never considered by the Senate.

DIRECT TO CONSUMER ADVERTISING OF PRESCRIPTION DRUGS

H.R. 2823: Fair Balance Prescription Drug Advertisement Act

Congressman Stark introduced H.R. 2823, "Fair Balance Prescription Drug Advertisement Act," which would place long overdue restrictions on direct-to-consumer, DTC, prescription drug advertisements. The Fair Balance Prescription Drug Advertisement Act would empower the FDA to determine whether pharmaceutical companies present information about their products in a fair manner, balancing risks and benefits. Any advertisements found to violate this standard would be denied currently allowed business expense tax deductions for advertising costs. In this way, the bill does not limit advertising speech, but merely eliminates the ability to deduct the costs of misleading ads.

IMPROVING TRANSPARENCY AND ACCOUNTABILITY IN NURSING HOME OWNERSHIP

H.R. 7128, the Nursing Home Transparency and Quality of Care Improvement Act of 2008

Introduced in September 2008, this bill would bring accountability to large nursing home chains that conceal the real ownership and management of individual facilities. This bill provides protections to residents when a home closes, and brings structure to the complaint process. It increases transparency of nursing home ownership and operations so that seniors and their families know who is calling the shots, and the level of care provided in the home. It improves the data available on the Nursing Home Compare website so that families are well-informed when making decisions about the care of their loved one. The bill also improves staff training. Lastly, the bill strengthens the current enforcement system via mandatory compliance and ethics programs, new quality assurance efforts, and meaning enforcement penalties.

DELAYING DURABLE MEDICAL EQUIPMENT (DME) COMPETITIVE BIDDING

HR 6252, Medicare DME Competitive Acquisition Reform Act

Responding to outcries from industry and consumers, Rep. Stark lead a strong bipartisan effort to delay implementation of a new payment system for Medicare coverage of durable medical equipment. The demonstration was scheduled to go forward in July 2008 and then spread nationwide, but significant problems in the process caused Congress to intervene.

The bill delays implementation of the program for 18 months, and require CMS to make needed improvements to the program. These improvements are designed improve the program for both beneficiaries and suppliers. The cost of the delay and accompanying reforms is fully paid for within the DME sector by reducing payment rates for covered items by 9.5 percent nationwide starting in 2009, but provides for an additional increase of 2 percent in 2014.

This bill was included as part of the MIPPA legislation and became law in July 2008.

IMPROVING MEDICARE'S MENTAL HEALTH BENEFITS

HR 1663, the Medicare Mental Health Modernization Act of 2007

Rep. Stark has long supported eliminating the disparate coverage of mental illness under Medicare. This bill achieves that by eliminating higher cost sharing, eliminating the lifetime limit on inpatient mental health services, covering intensive residential services, and covering clinical social workers, marriage and family therapists, and mental health counselors

under Medicare. The bill became part of H.R. 6331, the “Medicare Improvements for Patients and Providers Act (MIPPA),” which passed the House and Senate and was signed into law on July 15, 2008.

REFORMING THE US HEALTH SYSTEM TO EXPAND COVERAGE

AMERICARE

H.R. 1841: The AMERICARE Health Care Act

Congressman Stark’s AmeriCare Health Care Act (H.R. 1841) is a common sense proposal that builds on what works today – Medicare and employer-based benefits – to provide universal coverage with minimal disruption to our current health care system. Under AmeriCare, people could continue to obtain health insurance through their employer – as most of us currently do – or they would be covered under the new AmeriCare system, modeled on Medicare. AmeriCare has been endorsed by the AFL-CIO, the American Academy of Pediatrics, the American Nurses Association, the Center for Medicare Advocacy, Consumers’ Union, Families USA, the National Association of Community Health Centers, SEIU, and the Universal Health Care Action Network.

MEDIKIDS

H.R. 2357: The MediKids Health Insurance Act

Nearly one in five children lives below the poverty line – the highest level of any age group. Despite programs that provide health insurance coverage for kids, more than 8 million children remain uninsured, and the most recent Census data showed the first increase in the number of uninsured children since 1998. Building on the successful Medicare program, Congressman Stark’s MediKids Health Insurance Act (H.R. 2357) would establish a comprehensive, guaranteed, universal health insurance benefit for all children. It is a top priority for the American Academy of Pediatrics and the Children’s Defense Fund, among other endorsing organizations.

PROHIBITING GENETIC DISCRIMINATION

H.R. 493: Genetic Information Nondiscrimination Act of 2008 (GINA)

As Chair of the Ways and Means Health Subcommittee, Congressman Stark worked to pass H.R. 493, the Genetic Information Nondiscrimination Act (GINA). The bill, which became law on May 21, 2008, provides protections against

discrimination in health insurance and employment based on genetic information.

GINA prohibits insurers from engaging in three practices: (1) using genetic information about an individual to adjust a group plan's premiums, or, in the case of individual plans, to deny coverage, adjust premiums, or impose a preexisting exclusion requirement; (2) requiring or requesting genetic testing; and (3) requiring, requesting, or purchasing genetic information for purposes of underwriting. The bill also prohibits employers from discriminating in employment decisions, including hiring, firing, job assignments and promotions, on the basis of genetic information.

MENTAL HEALTH PARITY

Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008, H.R. 1424

For over twelve years, Congressman Stark has worked to achieve the goal of equalizing coverage of mental health with physical health care. In the 110th Congress, this goal was reached. The Medicare Improvements for Patients and Providers Act (MIPPA), which became law on July 15, 2008, lowers the cost-sharing paid by beneficiaries for mental health services such that by 2014, beneficiary cost-sharing will be set at the same level charged for other Part B services.

On October 3, 2008, President Bush signed into law H.R.1424, Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008, which among other things expanded federal mental health parity requirements on group health insurance providers. This Act requires group health insurers who choose to provide coverage for mental illnesses, to provide that coverage on par with that for physical illnesses. The parity applies to financial limits (e.g., co-pays, annual and lifetime limits) and treatment limits (e.g., in- and out-of-network coverage).

MAINTAINING COVERAGE FOR COLLEGE STUDENTS

H.R. 2851, Michelle's Law

On October 9, 2008 the President signed "Michelle's Law," which ensures continuity of health coverage for students, who because of a serious illness or injury, can no longer maintain student status. The bill would extend the ability of dependents to remain on their parents' plan for a limited period of time during a medical leave from student status and would apply to all health insurance products, whether sold to individuals or offered as a workplace benefit, and whether or not the employer plan is self-insured. More protective State laws would continue to remain in effect.

ADDRESSING THE NURSING SHORTAGE

Stark introduced H.R. 2122, The Safe Nursing and Patient Care Act, to provide a federal prohibition on mandatory overtime for nurses. This legislation has the support of every major nursing association and the bipartisan support of more than 100 members of Congress. If enacted, it would encourage nurses to remain in the profession and would improve the quality of care they provide to patients. Unfortunately, this legislation did not become law prior to the end of the 110th Congress.

INCREASING ORGAN DONATION

Stark has long sought to increase organ donation rates in our country. On September 18, 2008, he reintroduced bipartisan/bicameral legislation to present a Congressional Medal of Honor to organ donors, or their surviving family members, to honor them for this gift of life. In the 110th Congress, the bill was renamed the Stephanie Tubbs Jones Gift of Life Medal Act of 2008, (H.R. 6950) after the Ohio Congresswoman who passed away in 2008. The Stephanie Tubbs Jones Gift of Life Medal Act sends a clear message that donating one's organs is an act that should receive the profound respect of our nation.

FIXING THE ECONOMY & PROTECTING WORKERS

STIMULATING THE ECONOMY

In January 2008, Congressman Stark voted in favor of H.R. 5140, the Economic Stimulus Act of 2008, despite the fact that it was, in his words, "not perfect." The bill provided direct tax rebates to at least 117 million low- and middle-income households, 20 million senior citizens living on Social Security and 250,000 disabled veterans. The stimulus also raised the limit on federally insured home loans — enabling more subprime mortgage holders in our community to refinance with federal loans, lower their interest rates and monthly payments and keep their homes. Higher federal caps are particularly beneficial to the East Bay, where average home prices are much higher than the rest of America.

At the time of the vote, Mr. Stark pointed out that the measure "does not begin to address our larger economic problems. Nor does it undo the damage our economy has suffered from seven years of policies that helped the very wealthy at everybody else's expense." As the deepening recession has proven, his words were prescient.

UNEMPLOYMENT INSURANCE

Throughout 2008 the economy shed jobs, with the jobless rate pushing 7% and Unemployment Insurance claims at a 26 year high as of November 2008. Stark worked to enact two emergency extensions of unemployment benefits - H.R. 2642 (enacted in June) and H.R. 6867 (enacted in November) - that together provide up to an additional 33 weeks of benefits to unemployed workers.

In addition to extending benefits during times of economic crisis, Stark understands that the Unemployment Insurance system needs to be modernized and strengthened in order to protect more workers. A recent study found that low-wage workers were ½ as likely to receive UI benefits as other workers. To alleviate this problem, Stark cosponsored the Unemployment Insurance Modernization Act, H.R. 2233. This legislation would reform the UI program by incentivizing

states to cover part-time and temporary workers in their UI systems. The bill also would protect workers who lose their jobs for compelling family reasons, such as domestic violence or the need to care for a disabled family member.

MINIMUM WAGE

In January of 2007, the newly Democratic-controlled Congress voted to approve the Fair Minimum Wage Act of 2007, H.R. 2, which raised the federal minimum wage for the first time in a decade (the longest period without an increase in the history of the law). This measure raises the minimum wage to \$7.25 an hour from \$5.15 in three stages over two years, and includes \$4.84 billion in tax breaks for small businesses. Congressman Stark was pleased to cosponsor this bill and to recognize the hard work of the millions who go to work every day and are still left to scrimp to make ends meet. After eight years of declining real incomes, this increase was necessary to simply help families keep up with rising prices. This increase will provide an additional \$4,400 per year for a family of three, and will benefit nearly 13 million people.

EMPLOYEE FREE CHOICE ACT

Mr. Stark is a strong supporter of labor and workers' right to organize. He was an original co-sponsor of the Employee Free Choice Act, H.R. 800, which authorizes a union to organize if a majority of employees sign cards authorizing a representative to bargain on their behalf. This provision will counter the current practice by which employers can engage in retaliatory activities to thwart legal organizing activities, and allow for penalties if employers engage in prohibited anti-union activity.

GROUP LEGAL SERVICES

H.R. 1840, the Legal Services Benefit Act

Stark introduced legislation to restore and make permanent the tax-exempt status of qualified group legal services plans. The tax incentive encourages preventive legal services benefits for employees and their families. Group legal services plans provide employees with low cost, basic legal services, including assistance with the purchase of a home, the preparation of a will, probate services and the resolution of domestic relations difficulties, such as child support collection. With evictions and mortgage foreclosures rising, legal plans also help keep employees in their homes and focused on their jobs. In May 2008, a provision to reinstate the group legal service pre-tax status for one year was included in the House-passed version of the tax extender bill, H.R. 6049.

OPPOSING CORPORATE WELFARE

WALL STREET BAILOUT

2008 was a particularly difficult time for our nation's economy, as eight years of lax regulation culminated in a subprime crisis, which led to a lending crisis, and has rippled outward to cause widespread recession unlike anything we have seen since the 1930s. While Congressman Stark agreed that government action was necessary to relieve homeowners and American workers hardest-hit by the crisis, he opposed the multiple "bailout" packages that came before the Congress in late 2008.

In September 2008, H.R. 3997, the Emergency Economic Stabilization Act of 2008, came to a vote and Stark voted "no." The bill provided \$700 billion in taxpayer money for use by the Secretary of the Treasury to assist banks. At the time of the vote, Congressman Stark warned that the program gave the Treasury Secretary virtually unchecked authority to use this colossal sum in any way he saw fit, with no convincing plan for how this spending would loosen tight credit markets. Mr. Stark's predictions were correct. Though Secretary Paulson sold the "Troubled Asset Relief Program" (or, "TARP") as a plan to buy toxic mortgage-backed-securities, the money was not been used for that purpose. Instead, Treasury pumped billions into large banks, many of which reluctantly accepted this infusion, and most of which continue to limit lending.

Voicing his opposition, Congressman Stark explained that the TARP program was a rush to action, in the same way that the Bush Administration rushed to war in Iraq and to quash civil liberties under the Patriot Act. Stark explained that the bill did nothing to address the underlying problem, lax oversight by an "anti-government" Administration, and did nothing to help suffering homeowners. Stark advocated helping homeowners with their mortgage payments, and allowing bankruptcy judges to re-set principle amounts to prevent foreclosure. Stark stated that he was "not willing to make a \$700 billion gamble that President Bush is right after 8 years of seeing all that he's done wrong."

Similarly, Congressman Stark opposed the December 2008 proposal, H.R. 7321, to extend \$15 billion in loans to U.S. automakers. As a long-time, stalwart supporter of unions, Stark weighed carefully the potential effects of this decision. The bill before Congress offered no worker protections. Stark explained that this "bailout," like the TARP program in September, represented a large commitment of taxpayer dollars, with very little explanation of how these funds would address the significant problems of the industry. These problems include years of mismanagement and aggressive tactics to stifle innovation and thwart responsible environmental protections.

CUTTING FARM SUBSIDIES

During debate on the Farm Bill, H.R. 2419 and H.R. 6124, Stark was an outspoken opponent of continuing the broken farm subsidy program that has paid over \$2.3 billion to dead farmers and people that don't farm over the past decade. Subsidies that did go to actual farmers overwhelmingly went to massive agri-business operations. As an alternative, Stark supported the "Fairness in Farm and Food Policy Amendment," which would have prohibited subsidies to farmers earning more than \$250,000 a year and redirected the savings toward nutrition programs that help families put food on their table. Although the amendment was defeated, the efforts of reformers like Stark resulted in better taxpayer protections, more restrictions on wasteful subsidies, and a significant increase in nutrition assistance programs, such as Food Stamps in the final bill. Read Stark's floor statement on the Farm Bill [here](#).

CHILDREN AND FAMILIES

Stark is a member of the Ways and Means Committee Income Security and Family Support subcommittee. Stark has used this position to be a vocal advocate for policies that improve the lives of working parents and low-income families, abused and neglected children, and people with disabilities. He works to improve programs that provide access to childcare, shield children from the dangers of poverty, and provide individuals with disabilities the resources they need to lead independent lives. In 2008, Stark maintained a 100% voting record with the Sargent Shriver National Center on Poverty Law.

FAMILY AND MEDICAL LEAVE

H.R. 5873, the Family Leave Insurance Act of 2008

In April 2008, Stark introduced this legislation that would provide 12 weeks of paid leave to care for a new child, a sick family member, or to deal with the exigent circumstances arising when a service member relative is deployed. The benefit will be equally financed by employers and workers and provide progressive benefits so that lower income workers will receive a greater portion of their lost wages than higher income workers. This bill garnered 24 cosponsors and was endorsed by numerous organizations including the AFL-CIO and the National Partnership for Women and Families. In addition, the Family Leave Insurance Act was named one of the 10 best policies of 2008 by the Drum Major Institute for Public Policy. Stark is also a cosponsor of legislation to require employers to provide 5 paid sick days per year to all fulltime employees. In addition, Stark believes that the original Family and Medical Leave Act should be expanded to include same-sex couples and has sponsored legislation that would make this important change.

PROTECTING FOSTER CHILDREN

Foster children are among the most vulnerable individuals in our society. Recent studies have found that they suffer from Post Traumatic Stress Disorder (PTSD) at rates higher than returning Iraq war veterans. Former foster children are also more likely to be jobless, homeless, or incarcerated than nearly any other group. In September 2008, the Fostering Connections to Success Act, H.R. 6893, became law. This bill, guided through the House with Stark's help, provides resources to grandparents and other relative caregivers who have taken on the responsibility of caring for a relative foster child. It will also extend Foster Care until age 21 to ease the transition from care to independent living. In addition, H.R. 6893 will make long-overdue reforms to ensure that all foster children have an educational and medical home.

Foster Children Self Support Act, H.R. 1104

Each year, over 20,000 children age out of foster care without any family support or assistance as they transition to adulthood. Some of these children lack resources because the state has taken their Social Security disability or survivor's benefits. To end this harmful practice, Stark introduced the Foster Children Self Support Act, H.R. 1104. This bill would create a "nest egg" for vulnerable foster children by requiring states to set aside their benefits. When a child leaves the system, he or she would be able to use the money to pay for education, housing, or job training. Stark also cosponsored H.R. 6307, a bill that would extend Medicaid benefits to all former foster children until they are 21 to ensure that they are healthy as they begin their adult lives.

Foster Children Opportunity Act, H.R. 6649

After a series of reports in California papers detailed the struggles of abused immigrant children trying to obtain legal status, Stark sought a legislative solution. In July 2008, Stark introduced the Foster Children Opportunity Act, H.R. 6649. This legislation will provide abused and neglected immigrant children, who cannot safely return to their home country,

with the opportunity to obtain legal status in the United States so that they can work, obtain housing, and be a productive part of society.

KEEPING FAMILIES TOGETHER

Keeping Families Together Act, H.R. 687

Every year, tens of thousands of parents are forced to relinquish custody of their mentally ill children so that their child can receive needed mental health care that private insurers often refuse to cover. Stark believes that no child should be taken away from its parents solely to obtain care that could be provided in a community-based setting. Stark introduced the bipartisan and bicameral Keeping Families Together Act, H.R. 687 that would provide funding for states that agree to end custody relinquishment and integrate their mental health services to allow children to receive treatment while remaining with their families. The bill was included in the Senate version of the reauthorization of the Substance Abuse and Mental Health Services Act (SAMHSA) in 2008. Unfortunately, SAMHSA reauthorization was derailed in the Senate.

CHILD SUPPORT

In 2005, the Republican-led Congress passed legislation cutting \$3 billion in child support enforcement funding-about 20% of the entire federal investment in child support. It is estimated that the cuts will reduce child support collections (money going to families) by \$8.4 billion in the next five years. Stark cosponsored H.R. 1386, legislation that will reverse the cuts and ensure that families continue to receive the support they need.

HELPING LOW-INCOME FAMILIES MAKE ENDS MEET

As a member of the Out of Poverty Caucus, Stark is committed to eradicating poverty. The Low Income Home Energy Assistance Program (LIHEAP) provides assistance to families struggling to pay their energy bills. Unfortunately, due to rising energy costs, more families than ever need LIHEAP assistance. Stark joined with many of his colleagues in writing a letter to the Bush Administration requesting release of additional funds from the LIHEAP contingency fund. The President responded to this pressure by releasing more that \$450 million from the fund to help families pay their energy bills.

EXPANDING FOOD STAMPS

Congressman Stark believes that no person in this country should go to bed hungry. But higher food costs have left many families facing hunger and food insecurity. During debate on the Farm Bill (H.R. 2419) Stark joined with his progressive colleagues to push for vital improvements to the Food Stamps programs that will allow more families to access benefits. The final version of the legislation included increasing the minimum monthly benefit, expanding the number of households eligible for assistance, and indexing the asset limits to inflation so that families will not have to exhaust their savings before getting help.

IMPROVING WELFARE

Stark led efforts to improve the Temporary Assistance for Needy Families (TANF or CALWorks in CA) and combat efforts by the Bush Administration to enact policies that would have resulted in fewer families receiving assistance. In October 2008, Stark led the California Congressional delegation by authoring joint comments opposing harmful proposed TANF regulations that would eliminate federal incentives for states to invest in programs that serve low-income families, such as job training and child care. Stark believes that education and job training are two of the keys to escaping poverty. Stark cosponsored H.R. 6657, legislation that would allow TANF recipients to attend community college or vocational training programs without losing their benefits.

SUPPORTING ECONOMIC MOBILITY

In most parts of the country, including the East Bay, owning a car and having a driver's license are pre-requisites to obtaining decent employment. Unfortunately, many states use the tool of suspending licenses as a blunt instrument and without regard for the effect that suspension will have on a person's ability to work. For example, if a parent cannot afford to pay child support the state may suspend their license. Thus, significantly impacting that person's ability to find work and make their support payments on time. Stark has asked the GAO to study this issue and identify best practices that use license suspensions as an effective enforcement tool while also accounting for the impact that suspensions have on economical mobility.

EASING THE TRANSITION TO ADULTHOOD

Healthy Transitions Act, H.R. 6375

As anyone with kids knows, nothing magical happens when a child turns 18 that makes them ready to live independently. The transition to adulthood is a difficult time for all young people, but for young adults with mental illness the transition is even tougher. In 2007, Stark joined with Republican Senator Gordon Smith (OR) in requesting a study from the GAO examining the barriers facing young adults with mental illness. The report, released in June 2008, found that the more than 2.4 million young adults with serious mental illness do not obtain timely or quality treatment and services that would help them to become productive adults. In response to the report, Stark joined with Senators Smith and Chris Dodd and Republican Representatives Dave Camp and Mary Bono Mack to introduce bipartisan and bicameral legislation aimed at addressing the service gaps for young people with mental illness. The Healthy Transitions Act, H.R. 6375, would provide resources to states to develop and implement comprehensive cross-agency plans to assist young people with mental illness. This legislation garnered widespread support and should move in the 111th Congress.

ENDING CHRONIC HOMELESSNESS

Each night, millions of our neighbors sleep in shelters, under bridges, and in cars because they have no place to call home. Stark cosponsored legislation ("HEARTH" Act, H.R. 840) to revamp the McKinney-Vento Homeless Assistance Act to improve emergency housing programs and create wrap-around services for homeless individuals. In

October 2009, the House passed this legislation.

CIVIL RIGHTS

ENSURING WOMEN'S RIGHTS

Stark believes that women should receive equal pay for equal work. He also believes that women should have autonomy over their bodies and be able to make their own decisions regarding family planning and reproductive health.

Stark cosponsored the Paycheck Fairness Act (H.R.1388), which passed through the House in July 2008 by 247-178. The legislation requires employers to demonstrate that wage disparities are based on factors other than gender, such as educational achievement, experience, or training. It prohibits employers from retaliating against workers for sharing information about their pay with fellow employees.

Stark also voted in favor of the Lilly Ledbetter Fair Pay Act (H.R.2831), which would have amended the Civil Rights Act of 1964 to ensure a woman's ability to challenge unequal pay. Unfortunately, the Senate blocked the progress of this legislation.

Stark also joined his colleagues in:

- Urging government leaders to work towards strengthening the global commitment to reducing maternal mortality;
- Requesting that the Congressional appropriations committees fully support family planning programs, programs for the Violence Against Women Act, and scale back funding for ineffective, "abstinence-only" programs for FY09;
- Asking the Senate to ratify the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), a bill of rights adopted by the UN General Assembly in 1979 that defines what constitutes discrimination against women and sets an agenda for national action to end such discrimination.

EQUAL RIGHTS

In January, Stark cosponsored The Domestic Partnership Benefits and Obligations Act (H.R. 4838), which would extend

employee benefit programs to cover domestic partners of federal employees to the same extent as those benefits cover the spouses of federal employees.

In May, Stark cosponsored the End Racial Profiling Act (H.R.4611), which would require federal, state, and local law enforcement agencies to maintain policies that eliminate racial profiling.

Stark is a member of the House of Representatives's Lesbian, Gay, Bisexual and Transgender (LGBT) Equality Caucus. The Caucus represents a group of diverse backgrounds with a common mission: to achieve equal rights, repeal discriminatory laws, eliminate hate-motivated violence, and improve health and well being for all people.

ENSURING EQUALITY FOR THOSE WHO ARE BLIND

The U.S. is one of the only nations in the world whose currency is not accessible to the blind or visually impaired. All of our bills are the same size and shape, with nothing differentiating a \$20 bill from a \$1 bill. The blind and visually impaired must rely on strangers to give them the correct change or sort their money for them. In an effort to allow the blind and visually impaired to lead more independent lives, Stark introduced the Catherine Skivers Currency for All Act (H.R.1931) in April 2007. This legislation would make U.S. currency accessible to all blind and visually impaired Americans. Rep. Stark's legislation is named after Catherine Skivers, a constituent, who is the immediate past president of the California Council of the Blind. It requires the U.S. Treasury to trim the corners of all bills in a manner that prevents fraud, with lower value bills having more corners trimmed.

STOPPING HATE CRIMES

In March 2007, Stark became a cosponsor of the Local Law Enforcement Hate Crimes Prevention Act (H.R.1592), which would give the federal government jurisdiction over processing hate crimes in states where the current law is inadequate. The legislation would also facilitate federal investigations and prosecutions when local authorities are unwilling or unable to achieve a just result.

VOTING RIGHTS

In April of 2007, Stark voted in support of the District of Columbia Voting Rights Act (H.R. 1433). Passed by the House 241-177, the legislation marked the first time in a generation that the House had passed a bill to bring voting representation to nearly 600,000 Americans living in the nation's capital. Unfortunately, the bill failed in the Senate.

EDUCATION

Congressman Stark is a strong supporter of a high quality public education for all children regardless of their socio-economic status. Stark believes that the federal government's commitment to education begins with affordable and quality early childhood education and continues through higher education options that do not leave students with overwhelming debt.

FUNDING NO CHILD LEFT BEHIND

The mandates of the No Child Left Behind Act (NCLB) were severely under-funded by the Bush Administration. Stark has advocated for significant increases in funding for public schools. Stark also supports reauthorization of NCLB in a manner that allows for more local flexibility, the use of growth models to measure student progress over time, and additional resources and career ladders to elevate the teaching profession. Stark is also a cosponsor of H.R. 821, legislation which would fully fund the Individuals with Disabilities Education Act programs. In addition, Stark is a strong supporter of keeping students' names private from military recruiters and is a cosponsor of H.R. 1346 to repeal a current law that requires schools to turn over names and contact information of students to military recruiters.

MAKING COLLEGE MORE AFFORDABLE

In today's economy a college education is becoming more and more of a necessity for obtaining a good paying job. Getting a degree, however, has become increasingly expensive and financially out of reach for many students. Stark was a strong supporter and cosponsor of the College Cost Reduction Act (H.R. 2669), which passed the House and was signed into law by President Bush in September 2007. This historic legislation is the largest investment in higher education since the GI Bill. It will cut interest rates on loans in half, make an additional half a million students eligible for Pell Grants and increase the amount of Pell Grants. The bill also creates a loan forgiveness program for graduates who agree to teach in high-needs schools. In addition, Stark has worked with other members to conduct oversight of the Troubled Asset Relief Program and efforts by the Treasury Secretary to give taxpayer money to private student lenders, many of who have charged high interest rates and imposed unreasonable terms on student borrowers. These oversight activities are ongoing.

Under current law, student loan borrowers do not have bankruptcy protection, unlike nearly all other types of borrowers. During the reauthorization of the Higher Education Act (H.R. 4137), Stark supported an amendment to allow student loan borrowers to gain bankruptcy protections. Unfortunately, this amendment failed.

ENSURING STUDENTS WITH DISABILITIES ARE PROTECTED BY THE ADA

During passage of the ADA Restoration Act, H.R. 3195, Stark engaged Education and Labor Committee Chairman George Miller in a colloquy on the House floor aimed at ensuring the newly enacted law protects college students with learning disabilities, such as dyslexia. Currently, many testing companies and the professions and Universities that rely on those tests do not provide significant accommodations to students with learning disabilities. Because of Stark's actions on the floor, the legislative record will clearly show that Congress intends the ADA Restoration Act to protect students with learning disabilities.

HEAD START REAUTHORIZATION

Since 1965, Head Start has been an enormously successful program that has helped millions of young children's cognitive, emotional, and social development. For several years Republicans attempted to allow faith-based providers to engage in discriminatory hiring practices and reauthorization efforts stalled. The new Democratic Congress was able to reauthorize and significantly expand the Head Start program. Stark cosponsored the reauthorizing legislation (H.R. 1429), which will double the Early Head Start program and allow families making up to 130% of poverty to participate in Head Start programs. [Read his statement here.](#)

TAX FAIRNESS

As a senior member of the tax-writing Ways and Means Committee, Stark works to close loopholes in the tax code and make the code more progressive. Congressman Stark believes that tax relief should benefit middle-class Americans, not the wealthiest among us.

CLOSING LOOPHOLES

In June 2007, Stark and several colleagues introduced H.R. 2834 to close the so-called "carried interest" loophole. This preferential tax treatment for investment fund managers allowed a select few to claim a share of investment funds' profits, which they receive as compensation for their services, as "capital gains" (taxed as 15%), instead of "income" (taxed at normal rates.) This unfair loophole results in a situation in which, as Warren Buffett has described it, multi-billionaires like him pay lower tax rates than their receptionists. Stark believes that fund managers' income should be taxed at the same rate as other working Americans.

Stark does not believe that the tax code should favor certain industries simply because they are politically well connected. One example is the corn ethanol industry, which receives generous tax breaks and government subsidies. Corn based ethanol does not reduce global warming emissions, it is water and energy intensive to make, and helps to drive up food prices. Yet, corn ethanol receives a 51 cents/gallon tax credit. Stark sought to end this tax credit during a Ways and Means markup of energy legislation (H.R. 6049) in May 2008. Stark introduced an amendment to curtail the ethanol tax credit. Unfortunately, this effort failed, but Stark's stance has helped to build momentum to end unfair subsidies for the ethanol industry.

PROTECTING THE MIDDLE CLASS FROM THE AMT

The Alternative Minimum Tax (AMT) was originally designed to impose taxes on wealthy taxpayers who were using deductions, credits and other tax shelters to pay little or not tax. Unfortunately, the AMT was not indexed to account for inflation, and now it is beginning to impose tax burdens on middle-class Americans.

On November 9, 2007, Congressman Stark joined House colleagues in passing H.R. 3996, the Temporary Tax Relief Act of 2007, which included an AMT "patch" to make sure that an additional 23 million American taxpayers were not affected by the tax in 2007. That change was paid for by eliminating loopholes for hedge fund and private equity managers. While Mr. Stark has supported these temporary fixes required over several years, he believes that permanent repeal of the AMT is appropriate, in the context of greater tax reform that would close corporate loopholes and increasing the overall fairness of the Tax Code

FAIR TRADE

The Ways and Means Committee also has jurisdiction over trade matters and Congressman Stark has used his position to oppose "free trade" agreements that are neither free nor fair. Stark works to ensure that trade agreements do not facilitate the outsourcing or off-shoring of American jobs and that they protect the human and economic rights of workers in other countries. He opposed both the North American and Central American Free Trade Agreements, and most recently, an agreement with Peru and Colombia.

PERU FREE TRADE AGREEMENT

The Peru agreement, H.R. 3688, enables foreign companies to challenge -- in foreign courts -- American laws that protect occupational health, safety, and the environment. Already, NAFTA signatories have paid more than \$35 million to corporations that have used a similar provision to attack bans on the use of toxic chemicals, limits on tobacco production and marketing, and regulations on deforestation.

Mr. Stark stated that the Peru agreement significantly improved upon the flawed framework of the North American and Central American Free Trade Agreements by providing environmental and labor protections. However, he continues to oppose free trade agreements that use the flawed template of NAFTA and CAFTA and simply make cosmetic improvements. "Rather than improve on President Bush's trade agreements at the margins, Democrats can and should set the terms of the President's negotiating authority in a way that honors our commitment to America's workers and the environment," remarked Mr. Stark.

COLOMBIA TRADE AGREEMENT

Stark opposed the Colombia agreement, H.R. 5724. The Colombian government has a troubling history of not protecting labor leaders and trade unionists. This, coupled with the fact that the Colombian agreement did not include robust labor or environmental standards cemented Stark's opposition. Trade agreements should benefit workers and the countries that enact them. The Colombia agreement did not meet that threshold and Stark was pleased that it did not become law during the 110th Congress.

ENVIRONMENT

Congressman Stark believes that protecting our environment is not only essential for public health and a strong economy, but is a moral obligation to future generations. Stark believes in strong environmental laws that protect our land, air, and water from pollution and he is proud of maintaining a 100% rating with both the League of Conservation Voters and Defenders of Wildlife.

PROTECTING THE EAST BAY

Stark is a strong advocate for the ongoing restoration of wetlands around San Francisco Bay. He has helped to secure federal funding for the salt pond restoration efforts being carried out in the Don Edwards National Wildlife Refuge, including a recent \$1 million grant for the Eden Landing Salt Pond restoration in Alameda County.

HAYWARD POWER PLANTS

In Hayward, two power plants-Russell City and Eastshore- were proposed to be built within miles of each other. The air in the East Bay is already degraded and these plants threaten to make the situation even worse. In addition, the smoke plumes from the plants threaten the safety of the nearby Hayward Executive Airport. Stark worked on behalf of the thousands of constituents who contacted his office in opposition to the plants to successfully defeat the licensure of the Eastshore plant. Stark raised safety, environmental, and land use concerns with the California Energy Commission during the licensing process. Read his letter to the California Energy Commission. Stark has also supported the efforts of residents to have their concerns heard by the Energy Commission and the Air Quality Review Board. The fate of the Russell City plant is still undecided.

AERIAL SPRAYING FOR THE LIGHT BROWN APPLE MOTH

In the spring of 2008 the California Department of Agriculture announced plans to conduct aerial spraying of the East Bay area in an attempt to eradicate the invasive Light Brown Apple moth. Stark was concerned about the health effects of spraying a pesticide on a residential area. In May 2008, Stark joined with the entire Bay Area Delegation in writing to the US Department of Agriculture and the California Department of Agriculture to call for more health tests, a moratorium on spraying until the long-term health risks were known, and a better plan to respond to the concerns of residents. In response, the State ended the spraying campaign and will use ground-based methods that do not pose a threat to human health to eradicate the moths.

RESPONDING TO THE SF BAY OIL SPILL

On November 7, 2007 an Asian ship crashed into the Bay Bridge and spilled 60,000 gallons of fuel oil into the Bay. The response by state and federal officials was inadequate and exacerbated the ecological and economic impact of the spill. Stark worked with the House Transportation and Infrastructure Committee to conduct oversight of the spill and ask tough questions about the clean-up effort. Stark also supported the Inspector General's investigation into the spill and

what can be done to avoid future spills.

PROTECTING CALIFORNIA'S PUBLIC LANDS, AIR, AND WATER

Stark is a vocal advocate of preserving California's beautiful and diverse wilderness areas and rivers. He was a cosponsor of the California Wild Heritage Act, H.R. 860, which would designate tens of thousands of acres as wilderness as well as provide National Wild and Scenic River designation protections to miles of pristine waterways. The California coast is an international treasure and Stark is working to protect it by voting to prohibit oil and gas drilling and sponsoring legislation (H.R. 1187) to expand National Marine Sanctuaries off the California Coast. Stark also recognizes the importance of wild salmon to Northern California. He cosponsored H.R. 1507 to fund a Northwest Pacific Salmon recovery program. Stark has worked with other California colleagues to protect and restore the Klamath River in northern California.

Representative Stark remains active in supporting California's efforts to enact clean cars legislation. Stark joined many of his colleagues in writing to the EPA urging them to approve California's request waiver. EPA wrongly denied this waiver, but Stark continues to pressure EPA to reverse their decision. Stark cosponsored H.R. 5560, the Right to Clean Vehicles Act, which would overturn EPA's decision.

FIGHTING GLOBAL WARMING/ ENERGY INDEPENDENCE

The Save Our Climate Act (H.R. 2069)

The future of low-lying coastal areas in the East Bay and throughout California are in jeopardy if global warming continues unabated. Stark believes that global warming is the primary environmental challenge facing the U.S. and the world. He authored and introduced the Save Our Climate Act legislation that would enact a simple carbon tax aimed at drastically reducing our use of fossil fuels. Most economists agree that a carbon tax is the simplest and fairest method of ending our addiction to polluting energy sources such as coal and oil. Stark also supports legislation such as the Safe Climate Act, which would implement a robust cap and trade regime aimed at reducing greenhouse gas emissions 80% by 2050.

Stark supported passage of comprehensive energy legislation (H.R. 6) in December 2007 that will raise the CAFE fuel efficiency standards for cars and light trucks to 35 miles per gallon by 2020. This long overdue change will save the U.S. over 1 million barrels of oil per day by the time it is fully implemented. During debate on the Energy Bill, Stark voted for an amendment to require utilities to produce 15% of their power from renewable sources. This provision passed the House, but was defeated in the Senate.

During the energy bill debate, Stark led the fight to include environmental safeguards in the Renewable Fuel Standard (RFS) that mandates ethanol production. Stark is a strong opponent of government subsidies for corn based ethanol and believes that ethanol production must have a net benefit to the environment and consumers. Stark helped to draft a letter to Congressional leaders urging them to emphasize production of advanced biofuels, such as cellulosic ethanol, and put strong land and water productions in the RFS. All of the requests made it into the final energy bill. In addition, Stark introduced amendments to energy tax legislation to repeal the production tax credit for ethanol.

Stark was a strong opponent of allowing the moratorium on offshore oil drilling to expire on September 30th, 2008. Instead, Stark supported H.R. 6604, legislation to reign in oil speculators that were shown to be driving up oil prices during the spring and summer of 2008. Stark also supported efforts to require oil companies to "use or lose" their leases on public lands and pay fair royalties for the right to drill on public lands.

CLEAN WATER

Congressman Stark is a staunch supporter of the Clean Water Act and has been active in efforts to strengthen clean water laws. Stark is a cosponsor of the Clean Water Authority Restoration Act, H.R. 1356. This bill would reverse a recent Supreme Court decision that has greatly reduced the protections provided by the Clean Water Act for wetlands and small streams and made administering it a nightmare. In addition, Stark has cosponsored the Clean Water Protection Act, H.R. 2169, a bill to prohibit mining companies from filling creek and river valleys with toxic fill material from mining operations.

PUBLIC LANDS

Millions of people utilize our National Parks and Forests each year. These lands also provide critical wildlife habitat. Congressman Stark is committed to protecting public lands from irresponsible logging, mining, and drilling. Stark strongly supported the House passage of the Hardrock Mining and Reclamation Act, H.R. 2262, which would reform a 150 year old mining law that allows nearly unfettered mining on public lands subsidized with tax dollars and with few environmental protections. Stark is an original cosponsor of the Udall Eisenhower Arctic Wilderness Act (H.R. 39) that would permanently protect the one of a kind Arctic National Wildlife Refuge from oil drilling. Stark cosponsored H.R. 1975, legislation that will designate new wilderness areas in the Northern Rockies and in Southern Utah. Stark also supports legislation protecting the Alaskan rainforest from irresponsible logging (H.R. 3757).

CONDUCTING OVERSIGHT OF THE BUSH ADMINISTRATION

Stark has kept a close watch on how the Executive Branch has run the Interior Department and the EPA. He has worked jointly with his colleagues to oppose last minute rule changes that would exempt most federal agencies from consulting with biologists at the Fish and Wildlife Service prior to authorizing projects that could impact endangered species or critical habitats. Stark has also called on the EPA to use their authority to regulate greenhouse gas emissions. The Bush Interior Department has proposed rule changes that would allow wilderness quality lands to be opened for road building and logging. Stark wrote a letter to the Administration in opposition and cosponsored legislation to codify protections for roadless National Forest and Bureau of Land Management lands.

HOUSING

Stark believes that decent and safe housing is a human right. When the market does not produce enough affordable housing, it is up to government to ensure that families have access to housing. The continuing mortgage crisis underscores the need for the federal government to protect homeowners facing foreclosure and put in place laws to prevent such a crisis from occurring in the future.

PREVENTING FORECLOSURES AND PROTECTING BORROWERS

California has been one of the states hardest hit by foreclosures. Stark has responded by joining with his colleagues in passing the Housing Rescue and Foreclosure Prevention Act (H.R. 3221), which became law in July 2008. This legislation would provide direct refinancing assistance to 400,000 homeowners facing foreclosure. The bill protects taxpayers by requiring lenders who made bad loans to reduce the outstanding principal in order to get assistance and requiring assisted homeowners to share resale profits with the government. In addition, H.R. 3221 will create a strong regulatory entity to oversee Fannie Mae and Freddie Mac to ensure that another sub-prime lending spree will never occur again. Finally, the legislation also provides resources to communities hard hit by foreclosures to purchase and rehabilitate foreclosed properties for the purpose of creating affordable housing.

Congressman Stark also worked to enact legislation (H.R. 3648) that ends the tax penalty for individuals whose primary residence is sold through foreclosure. This legislation passed in December 2007. Previously, when a family's house was sold at a foreclosure sale the sale price was considered income for tax purposes, even though the family lost the house and the sale proceeds went to the lender. Under the new law, homeowners that lose their houses will not be punished by the tax code and will have a better chance of getting back on their feet. Stark is also a cosponsor of H.R. 200, legislation that will amend the federal bankruptcy code to allow bankruptcy courts to adjust mortgages during bankruptcy proceedings to reflect the actual market value of the property. During the debate on an economic stimulus package Stark successfully advocated for inclusion of an increase in the Federal Housing Administration's (FHA) conforming loan limits. Because of this change, the FHA can insure loans in high cost areas, such as the East Bay, and ensure that borrowers are not forced into the sub-prime market for loans.

Stark has also supported House efforts to modernize the FHA. The Expanding American Homeownership Act, H.R. 1852, would greatly expand the number of borrowers eligible for FHA loans by raising the loan limit and lowering down payment requirements. If more borrowers can access FHA products, fewer will be forced into the subprime market. Stark also supported the Mortgage Reform and Anti-Predatory Lending Act (H.R. 3915), which passed in December 2007. This legislation creates safeguards, such as strict lender disclosure and anti-steering requirements that will prevent bad loans from being made in the first place.

Stark realizes that the scope of the housing crisis will require even bolder action and he supports: allowing bankruptcy judges to adjust bad mortgages, a temporary moratorium on foreclosures, requiring banks that received money from the bail-out to work with borrowers to refinance, and greater assistance for homeowners facing a foreclosure due to a medical crisis.

CREATING AFFORDABLE HOUSING & PROTECTING TENANTS

Congressman Stark supports expansion of successful affordable housing programs such as Section 8 and HOPE VI. Stark also believes that the rights and safety of Public Housing tenants should be protected. With Stark's support, the House passed legislation (H.R. 1851) to increase the number of Section 8 vouchers by 100,000. Stark also cosponsored H.R. 2895 to create an affordable housing trust fund. This legislation passed the House and if it becomes law would create and preserve 1.5 million units of affordable housing over the next decade. Because Stark believes that public housing residents should enjoy the same rights as all Americans, he has cosponsored legislation (H.R. 458) to overturn federal requirements forcing residents to perform community service even if they are employed or have a disability. In addition, Stark supports legislation to protect elderly residents and residents with disabilities from being evicted when a family member engages in criminal activity without their knowledge.

SOCIAL SECURITY

Congressman Stark was a vigorous opponent of President Bush's scheme to privatize Social Security and move toward ending Social Security as an entitlement. Stark continues to push for changes, such as lifting the income cap on the Social Security tax that will ensure Social Security's solvency far into the future.

PROTECTING SOCIAL SECURITY FOR THE MOST VULNERABLE

Each year, the United States admits refugees and asylum seekers who are fleeing persecution and often torture in their home countries. Many of these individuals suffer from mental and physical disabilities and rely on SSI benefits to avoid destitution. Under draconian rules enacted during welfare "reform," refugees and asylees can only receive SSI benefits for 7 years unless they become citizens. Unfortunately, many elderly refugees and those with disabilities cannot pass the citizenship test. In the last several years 21,000 refugees and asylees have lost benefits and it is estimated that another 35,000 are at risk over the next two years if the law is not changed. Stark cosponsored and helped to guide legislation (H.R. 2608) through Ways and Means that would provide temporary relief for these individuals while a long-term fix is worked on. On September 30, 2008, this legislation was signed into law.

The Social Security Administration has a backlog of 1.3 million claimants with disabilities awaiting a decision regarding disability benefits. The average wait is now two years and over 10,000 people die each year waiting for a decision. Stark joined a letter to House Appropriators urging additional funding for SSA to clear up the backlog. The final 2008 Appropriations bill included an increase of \$150 million over the President's request for the SSA.

Late in 2007, the Bush Administration proposed regulations that would severely curtail the appeal rights of many SSI and SSDI claimants. The regulations are designed to save money, but they get those savings by preventing persons with disabilities from getting the assistance they require. Stark joined with other prominent Committee and Subcommittee chairman in writing to the Administration to argue forcefully against adoption of these new anti-claimant regulations.

Stark also supports the Social Security Fairness Act (H.R. 82) to overturn Social Security's Government Pension Offset (GPO) and Windfall Elimination Provisions (WEP). These provisions punish state and local government employees like firefighters and teachers and prevent them from receiving their fair share of Social Security benefits.

PROTECTING PRIVACY

Identity theft is a serious and growing problem. One cause is the unnecessary use of Social Security numbers. Stark cosponsored and supported the Social Security Number Privacy and Identity Theft Prevention Act (H.R. 3046) as it passed out of the Ways and Means committee. This legislation would prohibit the sale or unauthorized use of Social Security numbers by private or public entities and increase civil and criminal penalties for misuse of Social Security numbers. In addition, the bill would stop the display of the full SSN on documents such as bank statements, government checks, and other types of paperwork.

SUPPORTING OUR VETERANS

Stark works to create educational and job opportunities for returning veterans and ensure that they receive high quality physical and mental health care.

In May 2008, Stark cosponsored the Full Faith In Veterans Act (H.R.5448), which would help veterans suffering from Post Traumatic Stress Disorder (PTSD) to receive treatment and compensation, as well as improve the VA's evaluation of PTSD.

In June 2008, Stark cosponsored the Post-9/11 Veterans Education Assistance Act (H.R. 2642), which would increase the educational benefits available to all members of the military who have served on active duty since 9/11/01.

In September 2008, Stark voted for the Military Construction and Veterans Affairs Appropriations Act (H.R.6599), the first appropriations bill to be considered by the House for fiscal year 2009. This bill eventually became a part of the continuing resolution package (H.R.2638) passed into law later in the month. It addresses the critical needs facing veterans' medical care as soldiers return from Iraq and Afghanistan.

IMMIGRATION

In May 2008, Stark cosponsored the Families First Immigration Enforcement Act (H.R.3980), legislation that encourages the release of detainees in situations where there are humanitarian needs, provides a toll-free telephone number for families to use to connect with one another after a raid, and provides detainees with access to legal orientation presentations and state social services agencies.

In September, Stark became a cosponsor of the Senior Citizenship Act of 2008 (H.R. 5750), which would amend the Immigration & Nationality Act to exempt certain older persons from the naturalization U.S. history, government, and English requirements and permits certain older persons to take such history-government exams in a language other than English.

This year, Stark also joined his colleagues in:

- Encouraging House leadership to support the DREAM Act, which would allow undocumented children who arrive in the United States before the age of 16 and have been in the country for at least five years to earn legal status;
- Asking the President to remove HIV from the list of diseases that automatically bar entry to the United States;

HELPING COMMUNITIES AND REDUCING CRIME

In March 2008, Stark cosponsored the Second Chance for Ex-Offenders Act (H.R.623), which would allow for the expungement of criminal records for non-violent offenders who have served their sentence and meet parole/probation requirements. This legislation would allow ex-offender to reintegrate into society, find work, and become productive citizens.

In September 2008, Stark cosponsored the CAN-DO (Communities in Action Neighborhood Defense and Opportunity) Act (H.R. 7115), which would combat gun violence by providing grants to 6 cities with above-average homicide rates to focus on enhanced law enforcement, mental health and psychological counseling, employment training and opportunity, and educational/recreational services for at-risk youth. In the same month, Stark also became a cosponsor of the National Parents Corps Act of 2008 (H.R. 7225), which would create a national network of parents who would educate and train other parents to lead efforts to prevent drug abuse, gang activity, and other hazardous behavior in middle-school and high school students.

TRANSPORTATION ISSUES

Stark cosponsored the Pedestrian Safety Enhancement Act (H.R. 5734), which would direct the Secretary of Transportation to study and establish motor vehicle safety standards that would provide a way to alert blind, elderly and young pedestrians of nearby cars. Stark also cosponsored the Safe and Complete Streets Act (H.R. 5951), which would require transportation planners to accommodate the needs of all those who use roadways, including pedestrians and people with disabilities.

Stark cosponsored the Green Transportation Infrastructure Research and Technology Transfer Act (H.R. 5161), which would authorize research and education programs within the Federal Highway Administration (FHWA) to advance understanding of the benefits of green transportation infrastructure and its impact on the environment.

WORKING FOR A PEACEFUL AND JUST WORLD

Congressman Stark strongly opposed the Iraq War from the start and has worked ever since to safely bring our military forces home. In addition, Stark is an outspoken supporter of human rights and sustainable development around the world.

IRAQ

Rep. Stark voted against the October 2002 authorization of the use of force in Iraq, and has consistently voted to bring our troops home. He voted against the “surge” that sent an additional 20,000 troops to Iraq, and he voted against continuing funding for the War in Iraq to end the war as soon as possible. Rep. Stark cosponsored legislation (H.R. 746) calling for the immediate withdrawal of troops from Iraq, as well a bill to repeal the 2002 authorization of force (H.R. 5875).

In addition to opposing funding for the Iraq War, Rep. Stark has also pushed for sound policies governing our presence in Iraq. In January 2007 he cosponsored H.R. 528, which would have required the Department of Defense to review Iraq contractors for fraud and impropriety. He co-sponsored legislation mandating no permanent bases in Iraq, legislation allowing Congress to exercise greater oversight on funding to Iraq, and legislation prohibiting the sale of unsafe cluster munitions. He also cosponsored H.R. 2539, which would have withdrawn all National Guard forces from Iraq within 90 days of passage.

Rep. Stark has also been critical of the Bush's administration's negotiation of a bilateral security agreement with Iraq that continues American troops presence past the expiration of the United Nations' resolution authorizing troops in Iraq. In June 2008, he cosponsored a H. Res. 1028, a resolution stating that Congress must approve any bilateral security agreement with Iraq. And in December, he was an original co-sponsor of a resolution (H. Res. 1535) that condemned the agreement that President Bush signed that keeps American troops in Iraq for three more years.

IRAN

Rep. Stark has consistently opposed the march to war with Iran. Iran's development of nuclear capacity is deeply troubling; however, multilateral diplomacy should be America's primary tool of deterrence. Pete has cosponsored H. R. 770, the Iran Nuclear Nonproliferation Act, which stressed diplomacy as long as Iran has not weaponized its nuclear program and has desisted from supporting international terrorist groups. The act also banned a preemptive strike against Iran and prohibits the Department of Defense from engaging in covert actions for the purpose of regime change. Stark also cosponsored H.R. 3119, which would have prohibited the use of funds for military operations in Iran.

ISRAEL/PALESTINE

Congressman Stark believes that resolution of the Arab-Israeli conflict will greatly improve peace and security throughout the Middle East and the world. The steps towards peace must involve local, regional and international actors to establish a just and meaningful agreement. With this understanding, Stark cosponsored H.R. 3797 that recommended regional involvement in the diplomatic efforts of stabilizing Iraq and the Middle East and that any effort should include the permanent five members of the United Nations Security Council. The Congressman also supported H. Res. 1369 that asserted the United States' support of nongovernmental organizations in bringing sustainable peace between Palestinians and Israelis.

AFGHANISTAN

Stark is committed to improving the poor economic and social conditions in Afghanistan that create a breeding ground for religious extremist ideologies. Development of infrastructure (roads, schools, etc) is essential in improving the situation on the ground. Rep. Stark realizes the importance of committing development aid in a transparent and accountable way. He cosponsored H.R. 897, the Iraq and Afghanistan Contractor Sunshine Act that would have required detailed reports about the cost and application of government contracts in both countries to make sure aid is spent effectively.

PAKISTAN

In November 2007, when former President Musharaf's declared a state of emergency in Pakistan and suspended the rights of Pakistani citizens, Rep. Stark voiced his strong opposition. He cosponsored H. Res. 810 that called for restoration of the judiciary, an end of media restrictions, support for human rights in Pakistan and a review of U.S. aid in light of the President's proclamation. Stark also cosponsored H.R. 1, the Implementing Recommendations of the 9/11 commission Act of 2007, which supports the Agency for International Development (AID) in their commitment to building a moderate, democratic state. The legislation also highlights the essential partnership between Pakistan and the U.S. in combating terrorism and nuclear proliferation in the region.

PEACE

Rep. Stark has been a strong advocate for peace his entire career in Congress, voting against all defense appropriations bills in the 110th Congress. He also once again cosponsored a bill establishing a Department of Peace and Nonviolence (H.R. 808). Rep. Stark also cosponsored legislation that would provide for the establishment of "quick reaction" peacekeeping forces by the United Nations that would be easily deployed to areas in need of humanitarian and security assistance.

Rep. Stark supports the U.S. foreign policy goals of eliminating poverty and hunger, ensuring quality health care and education for all, and addressing pressing environmental crises across the globe. That is why Rep. Stark in July 2008 co-sponsored H.Res. 1078, which supported the Global Marshall plan. The Global Marshall Plan provides an international framework for assistance to address these issues, and can demonstrate the United States's dedication to the ideals of peace and prosperity around the globe.

HUMAN RIGHTS

SUDAN

Congressman Stark believes that we should be doing more for the people suffering in Darfur. As a cosponsor of H.Res. 1011, Stark is calling upon the U.S. government along with the international community to take charge of this humanitarian atrocity and implement a comprehensive regional strategy to help reach sustainable peace in the region. Stark cosponsored H.R. 180, the Darfur Accountability and Divestment Act, which calls for the Administration to engage in a multilateral intervention in Darfur, as well as imposing targeted sanctions, visa bans and freezing assets of the Sudanese National Congress, associated businesses and individuals responsible for the atrocities committed.

CHINA

Stark was also a cosponsor of H.Res. 422, which called on China to use its influence and economic leverage to stop genocide and violence in Darfur. The Congressman also cosponsored H. Res. 610, expressing that the U.S. Government should take immediate steps in boycotting the Summer Olympic Games in Beijing, unless the Chinese stops engaging in human rights abuses in its own country, as well as supporting abuses in Sudan, Burma and North Korea. It is impossible for China to fully contribute to international cooperation and peace while it continues to oppress its own people.

HUMAN RIGHTS COMMISSION

Previously known as the Human Rights Caucus, it had no funding or staff to help aid its research and work until now. Stark cosponsored H. Res. 1451, turning the Human Rights Caucus into a fully funded commission now part of the Committee on Foreign Affairs. Human Rights issues deserve a prominent place in Congress and the Commission will help to raise greater awareness among Members, their staff, and the public.

GUANTANAMO

Congressman Stark strongly opposes the Administration's policies regarding Guantanamo and the treatment of detainees. Regardless of their alleged crimes or suspect associations, there is no excuse for denying these individuals their basic rights and due process under international law.

Stark cosponsored H.R. 1415, Restoring the Constitution Act of 2007, along with H.R. 1416, the Habeas Corpus Restoration Act of 2007. Both of these bills sought to restore the legal rights of Guantanamo Bay detainees by providing them with a day in court. The Bush Administration has abused executive powers by ignoring the Constitution and denying detainees the right to petition for a Writ of Habeas Corpus.

Stark also cosponsored H.R. 2212, requiring the President to close the Department of Defense facility at Guantanamo Bay, Cuba. This legislation demands that detainees be transferred to another U.S. facility and charged with a violation of U.S. or international law and tried before the court, or that they be tried in their home country or by the U.N. court system.

BRINGING RESOURCES TO THE 13TH DISTRICT

Stark succeeded in funding important projects throughout the 13th district. The following chart shows the amount of funding received by each town for fiscal year 2008, followed by details on each of the earmarks.

Regional	\$1,430,000
Alameda	\$490,000
Fremont	\$470,000
Hayward	\$268,000
Newark	\$259,000
San Leandro	\$1,811,000
Union City	\$494,000
TOTAL:	\$5,222,000

REGIONAL

ALAMEDA COUNTY CHILDREN’S ASSESSMENT CENTER: The Assessment Center is a county wide three-site program that allows Child Protective Services workers to bring children to a safe, child-oriented setting when they have been removed from their homes. The core function of the Center is to provide an appropriate environment that provides the time and resources needed to make a full assessment and the most appropriate placement decision for each child. Stark secured \$470,000 for the Center in the Commerce, Justice and Science bill (CJS).

EARLY CARE & EDUCATION PROFESSIONAL DEVELOPMENT: Pete secured \$268,000 in the LHHS bill, which will go toward starting Early Childhood Education masters, and bachelor’s programs in appropriate colleges and universities and fund scholarships for bilingual childcare providers who would return to school to further their education.

SOUTH SAN FRANCISCO BAY SHORELINE STUDY: Stark has succeeded in directing \$785,000 toward the restoration of the San Francisco Bay. The study will determine what areas are appropriate for wetlands restoration and what flood control measures need to be taken around the South Bay shoreline.

ALAMEDA

PARK STREET STEETSCAPE PROJECT: Improvements made to the Park Street Business District are revitalizing downtown Alameda. Stark secured \$490,000 through the Transportation, Housing, and Urban Development bill (THUD) that will go towards the construction of a safe and walkable downtown with public transit usage and increased access for people with disabilities.

FREMONT

INTEROPERABLE SAFETY COMMUNICATIONS SYSTEM: Stark secured \$470,000 in the Commerce, Justice and Science bill that will go toward developing a digital communication system for the Fremont police department that would interface with systems used by other agencies.

HAYWARD

BURBANK ENRICHMENT PROJECT: Stark secured \$268,000 through the Labor, Health & Human Services and Education bill (LHHS) for a comprehensive after-school program that encompasses both academic and recreational elements to be offered at Burbank Elementary School. This program is designed to provide academically enriching services and address the health needs of the children by offering structured recreational activities.

NEWARK

AFTER SCHOOL RECREATION PROGRAM: Stark secured \$24,000 through LHHS that will go toward the expansion of the City's After School Recreation program held at six Newark Elementary School sites. Funding will be utilized for additional staffing, supplies and special events.

POLICE TECHNOLOGY IMPROVEMENT PROJECT: Stark acquired \$235,000 through CJS that will fund the upgrade of the City's police technology because of the transition to digital technology in Alameda County. Specifically, federal funding will assist with the acquisition of system replacements including portable radios, mobile radios, base stations, transmission and receiver sites, software, training and other equipment.

SAN LEANDRO

ESTUDILLO CANAL FEASIBILITY STUDY: The Estudillo Canal watershed drains into the San Francisco Bay and has a drainage area of approximately 10 miles. The watershed is located in San Leandro, and a majority of it is developed. A substantial amount of properties within a densely populated area of the watershed are designated as being in a FEMA floodplain. Stark has acquired \$392,000 through the Energy and Water bill that will go toward improving flood protection and mitigation.

JACK D. MALTESTER CHANNEL (SAN LEANDRO MARINA): Stark secured \$1,169,000 for the San Leandro Marina through the Energy and Water bill. These funds will direct the Army Corps of Engineers to perform the same maintenance dredging of the Channel that it has performed in 1973, 1984, 1989, 1993, 1997 and 2001.

SENIOR CENTER CONSTRUCTION: Due to the City's increasing population, there is need to provide a larger and more centralized dedicated facility for senior citizen programming. Stark acquired \$250,000 for funding a 20,000 square foot senior citizens facility and related infrastructure including a parking lot. The proposed facility provides exercise facilities, classrooms, an arts and crafts center, computer and activity/game room. The facility will also serve as a clearing center for reaching senior citizen needs such as medical information.

UNION CITY

LAW ENFORCEMENT TECHNOLOGIES: Union City is in vital need of new law enforcement technologies to accompany its future new police headquarters. Stark acquired \$94,000 that will go toward these new technologies.

UNION CITY INTERMODAL STATION: Stark secured \$400,000 in THUD to finance modifications to the east side of the Union City BART stations and create a pedestrian pass-through in the middle of the station.

CASE WORK

During the 110th Congress, Congressman Stark's office assisted 2,249 constituents in resolving disputes with various federal agencies. These cases are sometimes resolved with just a phone call, but many of the cases require hours of casework to ensure that a constituent's interests are protected. The following are examples of constituents who were assisted through Congressman Stark's office.

MILITARY-ARMY

Jarrell: Though Jarrell was severely injured in a rocket attack while serving in Operation Iraqi Freedom, he was denied a Purple Heart. The Iraqi Veteran Project in San Francisco initially contacted us on his behalf. Subsequently, Jarrell contacted us directly and asked for assistance in overturning the Army's denial. In March, we submitted the request to the Army along with documentation, including supporting medical records and evidence of the rocket attack. We submitted additional documentation in early August; by the middle of August the Army sent us Jarrell's Purple Heart and Certificate of Award. Jarrell requested that we keep the Purple Heart until his medical evaluations are complete in the hope that he can travel to California or Washington, DC to have Congressman Stark give him his Purple Heart.

Marcelo: Marcelo contacted us in August requesting that his prior enlistment record in the Army be expunged so that he could re-enlist. Marcelo's first enlistment was cut short for medical reasons. He decided to re-join several years later but was unable to report for duty due to a family emergency. At the time, he spoke to his recruiter to explain the circumstances and was told that his entry would simply be postponed. Unfortunately, his file was sent to the base he was supposed to report to and he was recorded by the Army as being AWOL.

In response to our inquiry on his behalf, the Department of the Army responded favorably. Marcelo's service record was examined, revised, and completed so that he could re-enlist, contingent upon his meeting the qualifications for incoming recruits.

DEPARTMENT OF VETERANS AFFAIRS (VA)

Charlie: His private physician gave Charlie, a Navy veteran, several prescriptions. He contacted the VA and found that the prescriptions were in the VA formulary. However, when he tried to order the prescriptions from the VA, he ran into all sorts of difficulties, including the requirement that he schedule an appointment with his primary VA doctor. He contacted the VA Patient Advocate for assistance, but received none. He then contacted us. We were able to cut through the red tape: Charlie was given a timely appointment, his VA doctor ordered the prescriptions, and he was able to purchase the prescriptions he needed from the VA. Charlie also received an apology from the Patient Advocate and an assurance that he would receive better service in the future.

Susan and Dorothy: Susan wrote to us on behalf of her mother, Dorothy, to request expedited processing of her mother's VA pension application. For the past 10 years, Dorothy, the widow of a Veteran, has been using a reverse mortgage to pay for care in an assisted living facility. As a result of congestive heart failure earlier this year, Dorothy was placed in hospice care. However, she had exhausted the funds from the reverse mortgage and was in

desperate need of monies to pay for her continuing care at the hospice facility. We contacted the VA and, based on Dorothy's hardship, we were able to expedite the processing of her application for pension benefits. Her application was subsequently approved and Dorothy was able to stay in the hospice facility and received the care she needed.

U. S. CITIZENSHIP AND IMMIGRATION SERVICE (USCIS)

Sridhar: Sridhar is employed by an HMO as a contract professional migrant worker. While his Adjustment of Status (I-485) application for permanent residency was pending, he applied for an Employment Authorization Card (EAD) so that he could work in the US. After his EAD was pending for more than 90 days – and beyond normal processing times – his employer informed him he would be terminated if he did not provide a valid EAD. Since Sridhar had a mortgage and was the head of his household, losing his job was out of the question. Consequently, he wrote to us for help. Without a job Sridhar would have experienced severe financial hardship; therefore, we contacted the U. S. Citizenship and Immigration Services (USCIS) to request expedited processing of his case. USCIS granted the request and reviewed and approved application on that same day. As a result, Sridhar was able to continue his employment and his mortgage payments.

Jose: Jose initially applied for citizenship in June 2007; however, the U. S. Citizenship and Immigration Services (USCIS) rejected his application citing that Jose was not eligible for citizenship since he did not meet the requirement for continuous residence. According to USCIS's definition of continuously residence, an applicant must be a PR for 5 years without leaving US for trips of 6 months or longer and have no special circumstance. Jose had been a Permanent Resident (PR) since 10/2002. He only traveled outside of U.S. to Mexico twice and both his visits were for a total of 14 days, less than six months. Since he did not agree with the USCIS's reason for rejecting his application, he resubmitted the application. When he did not receive a Receipt Notice, he made an inquiry with the USCIS and was told that there is no record of his application. Jose was not going to give up on his dream of becoming a U. S. Citizen, so he again resubmitted his application for the third time. Jose's application was once again rejected by USCIS. This time the USCIS cited the reason for the rejection as incorrect fees. Because he felt that he was clearly eligible for citizenship when he had initially applied – and his application had been rejected through no fault of his own - Jose had submitted his third application with the previous fee instead of with the current fee. After having his application rejected twice and lost once, Jose became very frustrated and contacted our office for assistance. We asked USCIS to reconsider accepting Jose's with the old application fee. After reviewing the case, the USCIS accepted Jose's application with the old fee.

Louisa: Louisa was employed at the Transportation Security Administration (TSA, an agency under Department of Homeland Security), when she was diagnosed with Chronic Kidney failure. As a result, she took a Temporary Disability Retirement from the Department of Homeland Security and applied for Social Security Disability Insurance (SSDI). The Social Security Administration (SSA) found her eligible for the benefits but could not approve her application because Louisa did not have her original citizenship document. Louisa lost her original document but had a copy. Since SSA could not accept the copy of her citizenship certificate, she applied for a replacement with the U. S. Citizenship and Immigration Services (USCIS). Given the dire medical situation Louisa was in, she had an urgent need for her citizenship certificate. She contacted us and we made a request with USCIS on June 30, 2008 to expedite her application to replace her citizenship document. After reviewing the request, USCIS approved her Application for a New Naturalization Certificate on July 8, 2008. Subsequently, SSA approved her SSDI application and the Office of Personnel Management (OPM) approved her application for Temporary Disability and she continued to receive her health benefits from TSA.

U.S. DEPARTMENT OF STATE

Jyoti: Jyoti's 33 year-old husband had just died. Her in-laws, living in India, wanted to attend their son's funeral but were unable to get an appointment to apply for a visitor visa. The grieving widow contacted our office regarding her parents'-in-laws request for an appointment so that they could attend their son's funeral. We submitted a request to the U. S. Embassy in New Delhi, India. The Embassy reviewed and accepted the request and

scheduled an appointment for Jyoti's in-laws to apply for visitor visas. Though we were able to schedule an appointment, the interviewing officer only found Jyoti's mother-in-law eligible for a visitor visa. She traveled to the US and participated in her son's funeral ceremony.

SOCIAL SECURITY ADMINISTRATION (SSA)

Sylvia: In 2004, Sylvia filed for disability benefits. Her claim was denied. Sylvia requested a hearing, but her claim was again denied. She then appealed the decision and an Administrative Law Judge (ALJ) granted her appeal and awarded her substantial disability benefits. Sylvia received a \$2500 retroactive payment, but when she did not receive the over \$30,000 underpayment awarded to her by the ALJ she contacted us for assistance. We contacted SSA on her behalf. Following our inquiry, SSA reviewed the case and Sylvia received a check for over \$33,000 check from SSA.

Rosanne: Rosanne applied for Social Security widow's benefits after her husband passed away. After three months and numerous calls to SSA, Roseanne was still without widow's benefits and contacted our office for assistance. We contacted SSA on Roseanne's behalf and within one month she received a 3-month retroactive payment and was notified of the monthly benefit she would subsequently be receiving.

CENTERS FOR MEDICARE/MEDICAID SERVICES (CMS)

Lee Ann: Lee Ann contacted our office about a policy in place at Crestwood Manor Assisted Living Facility in Fremont. Residents at Crestwood were growing their own produce in a garden on the grounds of the facility. They wanted to use the harvest in the meals that were prepared at the facility. But according to the Department of Agriculture, there were strict guidelines in place that managed the type of food that was to be used in the preparation of meals at facilities of this type. We contacted CMS, who reiterated the policy regarding food preparation guidelines for facilities like Crestwood. We made a further inquiry and sent a second letter from Crestwood supporting the use of homegrown produce in the preparation of meals at the facility. CMS subsequently sent out an inspector and, working with local agencies and the staff at Crestwood Manor, they set up a program where residents could use the food harvested from their garden in the preparation of their meals.

According to CMS, because of the additional benefits that come from keeping residents "active" by working in the garden and taking care of their crops, CMS plans on using this holistic approach to maintaining a healthy lifestyle as a model in other programs with similar circumstances.

U. S. DEPARTMENT OF TREASURY (IRS)

Ozzie: Ozzie contacted our office because he had not yet received his stimulus payment from the IRS and he was unable to use the IRS automated system. The IRS reviewed the case and said that the problem stemmed from his 2007 tax return where he did not claim himself as an exemption. Since he did not claim himself, the IRS assumed someone else has claimed him — hence he was not entitled to a stimulus payment. After our inquiry, the IRS was able to verify that no one else had claimed Ozzie as a dependent and his stimulus check was approved. We asked the IRS to expedite the case so that the request would make the stimulus payment deadline. Ozzie should receive his check by the middle of December.

Tina: Tina contacted our office because the Internal Revenue Service (IRS) closed out her clients (Falkner Family

Foundation) application for recognition of tax exemption under section 510(c)(3) without informing her or her client. According to IRS, they sent a letter to the foundation requesting additional information. Due to a clerical oversight, IRS believed that they had received the response to their request past the 90-day deadline they had printed in their letter; thus, they closed the case. We contacted the IRS who worked with us on rebuilding a timeline based on the correspondence that the foundation received. Originally they had stated that they would not be able to open a case since the foundation's original case was closed. Realizing that there had been a mistake, Taxpayer Advocates Office opened an inquiry. After sending them a copy of the return receipt that the foundation had kept in their records (which showed the response was mailed to the IRS before the deadline) IRS agreed to reopen the case.

DEPARTMENT OF LABOR, OFFICE OF PERSONNEL MANAGEMENT (OPM)

Mary Grace: Mary is a surviving spouse of Robert, a former Federal employee. Their son, Alexander has been attending a university and receiving survivor annuity benefits from the Office of Personnel Management (OPM). When Alexander became a co-op student at the University, he did not receive academic credits but the University considered him a full-time student. However, when Alexander became a co-op student the OPM stopped his survivor annuity payments. As a result, Mary made a request for reconsideration with the OPM, on her son's behalf. Mary had been trying to resolve this matter for her son since December 2007. She had been in regular correspondence with the OPM, but was unsuccessful in reaching a resolution, so contacted our office in March 2008 for assistance. After we submitted Mary's request to the OPM for review, they promptly reviewed and found Mary's son eligible for the benefits during his co-op student status at the University because the University considered Alexander a full-time student during this period. Thus, the OPM followed with the payment of \$4,705 in retroactive survivor annuity benefits for Alexander.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (EEOC)

Orquidea: Orquidea's employer is a contractor for a car manufacturing plant. Since the car manufacturing company had an issue with the employees speaking Spanish at the dispatch desk, Orquidea's employer issued a notice stating that speaking Spanish at the dispatch desk is prohibited. Orquidea was disturbed after receiving this notice from his employer because he said if employees at the car manufacturing company could speak Japanese then why exclude Spanish. He filed a complaint with the Equal Employment Opportunity Commission (EEOC), to which he did not hear a response in more than 30 days. He contacted our office for assistance and we made an inquiry to EEOC on his behalf. The EEOC promptly reviewed Orquidea's complaint and responded to him. They accepted his complaint and further investigated to his concerns. As a result, EEOC successfully resolved Orquidea's case by reaching a settlement in his favor.

DEPARTMENT OF JUSTICE, DRUG ENFORCEMENT ADMINISTRATION (DEA)

Bennet: Bennet is a Pediatrician at the HMO facility in our district. He tried renewing his license to write prescriptions on the Drug Enforcement Administration's website (DEA). The website asked Bennet to input his current license, so he did and the system stated that Bennet does not have a current license. He made calls to the DEA but was unsuccessful in reaching a live person to help him with his problems. Concerned that if his license is not renewed, he will not be able to write prescriptions to his patients, he contacted us for assistance. After we contacted DEA on Bennet's behalf, they accepted his application via mail. However, the DEA cashed the check for the license fee and did not issue the license. Thus, upon our follow up inquiry with DEA and they renewed and sent Bennet his license to write prescriptions.

U.S. POSTAL SERVICE (USPS)

Lazaro: Lazaro is a Vietnam War Veteran who served in the Air Force from 1972 to 1992. When he left military with 30% disability, he started working for the U. S. Post Service (USPS) in 1995. In 2007, his disability increased to 40%. In March to May 2007, the USPS sent Lazaro home without pay. Lazaro's Union Representative filed an Equal Employment Opportunity (EEO) Grievance and won the case in Lazaro's favor to receive 440 hours of regular pay, plus 375 of night pay. It was now December 2007, and Lazaro had yet to receive his payment out of the EEO settlement. Not receiving his resettlement from the USPS, Lazaro was feeling the financial constraints. Lazaro also has had a mortgage loan to pay. We contacted the USPS in December 2008 to find the status of Lazaro's check, in reply USPS informed us that Lazaro will be receiving his check in 4 weeks; however, it was late February and he had yet to receive his check. After we mailed a follow up inquiry with the USPS, it's Accounting Service Center promptly mailed the check to Lazaro.

IRS

Arthur: Arthur contacted our office in February 2008 to seek assistance with the ongoing problem he was having with the IRS. He had been laid off from his job and filed for unemployment. Since Arthur was unemployed, he could not agree to make payments on a tax assessment he received in 2005. When he did find a job, he was only employed for 6 weeks before the company was sold. So, he went back on unemployment. It wasn't until recently that Arthur was able to find a more stable job and agreed to make payments for the assessed taxes from 2005. We submitted Arthur's request to the IRS for the abatement of all penalties charged to his case. The IRS accepted the request and agreed to abate, in full, the penalties Arthur had accrued when he was unemployed in 2005.